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Weatherization Project means a project conducted in a single geographical area which undertakes to weatherize dwelling units that are energy inefficient.

[49 FR 3629, Jan. 27, 1984, as amended at 50 FR 712, Jan. 4, 1985; 50 FR 49917, Dec. 5, 1985; 55 FR 41325, Oct. 10, 1990; 58 FR 12525, Mar. 4, 1993; 60 FR 29480, June 5, 1995; 65 FR 77217, Dec. 8, 2000]

§ 440.10 Allocation of funds.

(a) DOE shall allocate financial assistance for each State from sums appropriated for any fiscal year, upon annual application.

(b) Based on total program allocations at or above the amount of total program allocations under Pub. L. 103-332, DOE shall determine the program allocation for each State from available funds as follows:

(1) Allocate to each State a "Base Allocation" as listed in Table 1.

TABLE 1

| | |
|----------------------------|------------|
| Alabama | 1,636,000 |
| Alaska | 1,425,000 |
| Arkansas | 1,417,000 |
| Arizona | 760,000 |
| California | 4,404,000 |
| Colorado | 4,574,000 |
| Connecticut | 1,887,000 |
| Delaware | 409,000 |
| District of Columbia | 487,000 |
| Florida | 761,000 |
| Georgia | 1,844,000 |
| Hawaii | 120,000 |
| Idaho | 1,618,000 |
| Illinois | 10,717,000 |
| Indiana | 5,156,000 |
| Iowa | 4,032,000 |
| Kansas | 1,925,000 |
| Kentucky | 3,615,000 |
| Louisiana | 912,000 |
| Maine | 2,493,000 |
| Maryland | 1,963,000 |
| Massachusetts | 5,111,000 |
| Michigan | 12,346,000 |
| Minnesota | 8,342,000 |
| Mississippi | 1,094,000 |
| Missouri | 4,615,000 |
| Montana | 2,123,000 |
| Nebraska | 2,013,000 |
| Nevada | 586,000 |
| New Hampshire | 1,193,000 |
| New Jersey | 3,775,000 |
| New Mexico | 1,519,000 |
| New York | 15,302,000 |
| North Carolina | 2,853,000 |
| North Dakota | 2,105,000 |
| Ohio | 10,665,000 |
| Oklahoma | 1,846,000 |

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TABLE 1—Continued

| | |
|----------------------|-------------|
| Oregon | 2,320,000 |
| Pennsylvania | 11,457,000 |
| Rhode Island | 878,000 |
| South Carolina | 1,130,000 |
| South Dakota | 1,561,000 |
| Tennessee | 3,218,000 |
| Texas | 2,999,000 |
| Utah | 1,692,000 |
| Vermont | 1,014,000 |
| Virginia | 2,970,000 |
| Washington | 3,775,000 |
| West Virginia | 2,573,000 |
| Wisconsin | 7,061,000 |
| Wyoming | 967,000 |
| Total | 171,258,000 |

(2) Subtract 171,258,000 from total program allocations.

(3) Calculate each State's formula share as follows:

(i) Divide the number of "Low Income" households in each State by the number of "Low Income" households in the United States and multiply by 100.

(ii) Divide the number of "Heating Degree Days" for each State by the median "Heating Degree Days" for all States.

(iii) Divide the number of "Cooling Degree Days" for each State by the median "Cooling Degree Days" for all States, then multiply by 0.1.

(iv) Calculate the sum of the two numbers from paragraph (b)(3)(ii) and (iii) of this section.

(v) Divide the residential energy expenditures for each State by the number of households in the State.

(vi) Divide the sum of the residential energy expenditures for the States in each Census division by the sum of the households for the States in that division.

(vii) Divide the quotient from paragraph (b)(3)(v) of this section by the quotient from paragraph (b)(3)(vi) of this section.

(viii) Multiply the quotient from paragraph (b)(3)(vii) of this section for each State by the residential energy expenditures per low-income household for its respective Census division.

(ix) Divide the product from paragraph (b)(3)(viii) of this section for each State by the median of the products of all States.

(x) Multiply the results for paragraph (b)(3)(i), (iv) and (ix) of this section for each State.

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(xi) Divide the product in paragraph (b)(3)(x) of this section for each State by the sum of the products in paragraph (b)(3)(x) of this section for all States.

(4) Calculate each State's program allocation as follows:

(i) Multiply the remaining funds calculated in paragraph (b)(2) of this section by the formula share calculated in paragraph (b)(3)(xi) of this section,

(ii) Add the base allocation from paragraph (b)(1) of this section to the product of paragraph (b)(4)(i) of this section.

(c) Should total program allocations for any fiscal year fall below the total program allocations under Pub. L. 103-332, then each State's program allocation shall be reduced from its allocated amount under Pub. L. 103-332 by the same percentage as total program allocations for the fiscal year fall below the total program allocations under Pub. L. 103-332.

(d) All data sources used in the development of the formula are publicly available. The relevant data is available from the Bureau of the Census, the Department of Energy's Energy Information Administration and the National Oceanic and Atmospheric Administration.

(e) Should updates to the data used in the formula become available in any fiscal year, these changes would be implemented in the formula in the following program year.

(f) DOE may reduce the program allocation for a State by the amount DOE determines cannot be reasonably expended by a grantee to weatherize dwelling units during the budget period for which financial assistance is to be awarded. In reaching this determination, DOE will consider the amount of unexpended financial assistance currently available to a grantee under this part and the number of dwelling units which remains to be weatherized with the unexpended financial assistance.

(g) DOE may increase the program allocation of a State by the amount DOE determines the grantee can expend to weatherize additional dwelling units during the budget period for which financial assistance is to be awarded.

(h) The Support Office Director shall notify each State of the program allocation for which that State is eligible to apply.

[60 FR 29480, June 5, 1995]

§ 440.11 Native Americans.

(a) Notwithstanding any other provision of this part, the Support Office Director may determine, after taking into account the amount of funds made available to a State to carry out the purposes of this part, that:

(1) The low-income members of an Indian tribe are not receiving benefits under this part equivalent to the assistance provided to other low-income persons in the State under this part and

(2) The low-income members of such tribe would be better served by means of a grant made directly to provide such assistance.

(b) In any State for which the Support Office Director shall have made the determination referred to in paragraph (a) of this section, the Support Office Director shall reserve from the sums that would otherwise be allocated to the State under this part not less than 100 percent, or more than 150 percent, of an amount which bears the same ratio to the State's allocation for the fiscal year involved as the population of all low-income Native Americans for whom a determination under paragraph (a) of this section has been made bears to the population of all low-income persons in the State.

(c) The Support Office Director shall make the determination prescribed in paragraph (a) of this section in the event a State:

(1) Does not apply within the sixty-day time period prescribed in § 440.12(a);

(2) Recommends that direct grants be made for low-income members of an Indian tribe as provided in § 440.12(b)(5);

(3) Files an application which DOE determines, in accordance with the procedures in § 440.30, not to make adequate provision for the low-income members of an Indian tribe residing in the State; or

(4) Has received grant funds and DOE determines, in accordance with the procedures in § 440.30, that the State has failed to implement the procedures required by § 440.16(6).